

ESTTA Tracking number: **ESTTA71105**

Filing date: **03/15/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91161373
Party	Plaintiff American Italian Pasta Company
Correspondence Address	THOMAS H. VAN HOOZER HOVEY WILLIAMS LLP 2405 GRAND BLVD. SUITE 400 KANSAS, MO 64108 clb@hovewilliams.com
Submission	Other Motions/Papers
Filer's Name	Cheryl L. Burbach
Filer's e-mail	clb@hovewilliams.com
Signature	/Cheryl L. Burbach/
Date	03/15/2006
Attachments	Response to Reply re Motion to Strike.pdf (2 pages)

AMERICAN ITALIAN PASTA)	
COMPANY,)	
Opposer)	
)	
v.)	Opposition No. 91161373
)	
BARILLA G. E R. FRATELLI-SOCIETA)	
PER AZIONI,)	
Applicant.)	

OPPOSER'S RESPONSE TO APPLICANT'S REPLY BRIEF

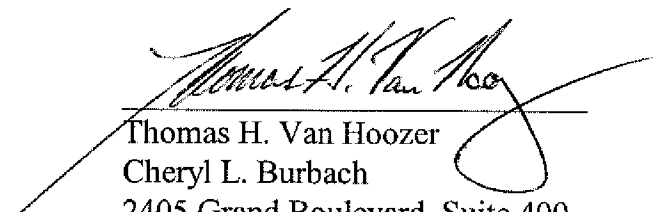
Applicant's Reply is moot to the extent that the discovery deadline set in the Board's last order has expired, without any further discovery being served by the parties. In footnote buried on the last page of its Reply, however, Applicant requests that the Board strike *Opposer's Response to Reply in Further Support of the Motion for Extension of Time*, as well as *Opposer's Brief in Response to the Request for Reconsideration And/or Correction of January 4, 2006 Board Order*. Opposer American Italian Pasta Company herein responds to Applicant's Reply Brief regarding its Motion to Strike *Request for Reconsideration and/or Correction of January 4, 2004 Board Order*.

Applicant's "Motion" is improper and violates TBMP § 502.02(b) because it does not embody or is not accompanied by a brief. Additionally, the title of Applicant's pleading misinforms the reader, since it does not reference the hidden motion. Therefore, to the extent the Board considers Applicant's Reply a proper Motion Strike, Opposer requests notice of same and an opportunity to respond in full.

Dated: March 15, 2006

Respectfully submitted,

HOVEY WILLIAMS LLP



Thomas H. Van Hoozer
Cheryl L. Burbach
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
Telephone: (816) 474-9050
Facsimile: (816) 474-9057

ATTORNEYS FOR OPPOSE
AMERICAN ITALIAN PASTA COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of March, 2006, I served the foregoing by causing a true copy thereof to be sent via first class, postage paid, to the following:

Carla C. Calcagno
ROTHWELL, FIGG, ERNST & MANBECK P.C.
1425 K Street, NW, Suite 800
Washington, DC 20005

